

## REMARKS/ARGUMENTS

At the time of the Office Action mailed November 1, 2006, claims 1-63 were pending in the present application. By this paper, claims 1-19, 21-40, 42-61 and 63 are being cancelled, and new claims 64-66 are being added. The Office Action rejected claims 20, 41 and 62 under 35 U.S.C. § 102(e). Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

### A. Claims 20, 41 and 62 Rejected Under 35 U.S.C. § 102(e)

The Office Action rejected claims 20, 41 and 62 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,604,157 to Brusky et al. (hereinafter, “Brusky”). In view of the above claim amendments and the following remarks, Applicants respectfully request that this rejection be withdrawn.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 20 recites “receiving object identifier data from [an] object identifier reader.” Brusky discloses a system 10 in which a host 12 is coupled to a peripheral 14 that includes scanner functionality 44. Brusky states that the “peripheral 14 can ... be used to scan a desired data set into a storage file 60.” Brusky, col. 2, lines 48-51; col. 3, lines 17-20, 29-30.

Claim 20 recites that the “object identifier data” is received “through a first communication port.” Claim 20 has been amended to recite that the “first communication port is part of the computing device” that is implementing the claimed method. This amendment is supported by paragraph 36 of Applicants’ specification, and Figure 1 of Applicants’ drawings.

In Brusky, a hard wire link 16 interfaces a parallel port 40 of the peripheral 14 to a parallel port 42 of the host 12. Brusky, col. 3, lines 19-21. The Office Action asserts that the parallel port 40 of the peripheral 14 in Brusky corresponds to the “first communication port” that is recited in claim 20. See Office Action, page 5. Applicants respectfully disagree. The parallel port 40 of the peripheral 14 in Brusky does not correspond to the “first communication port” that is recited in claim 20, because the parallel port 40 of the peripheral 14 is not “of the computing device” as required by amended claim 20. However, Brusky indicates that the host 12 includes a parallel port 42.

Claim 20 also recites “identifying an application to receive the information.” Claim 20 has been amended to recite “determining that the application does not expect to receive the information through the first communication port.” This amendment is supported by paragraphs 57 and 98 of Applicants’ specification.

Applicants respectfully submit that Brusky does not disclose “determining that the application does not expect to receive the information through the first communication port,” as recited in amended claim 20. Brusky indicates that the host 12 includes applications 54, 56, 58. However, the method described in Brusky does not involve determining that any of the applications 54, 56, 58 “do[] not expect to receive” scanned data through the parallel port 42 of the host 12.

In Brusky, a user that is performing a scanning function is allowed to “establish[] ... preset parameters related to the scan function.” Brusky, col. 4, lines 51-52. The Office Action asserts that “the preset parameters exist to be able to determine if the interface (port) configuration is correct and hence, are useable for the system.” Office Action, page 6. Applicants respectfully disagree. There is nothing in Brusky which supports such an interpretation.

The “preset parameters” in Brusky are simply variables that are related to the function to be performed by the peripheral 14. Brusky states that the “parameters ... relate to the function, e.g., scanning, to be performed.” Brusky provides the following examples of “preset parameters”: “color and resolution,” as well as “quality of scan, paper size, contrast, darkness.” Other examples of “preset parameters” include “the application or file into which the desired data set should be scanned.” Brusky, col. 1, line 44; col. 4, lines 20-21 and 26-27. At no point does Brusky provide any indication that the “preset parameters” have anything to do with “determin[ing] if the interface (port) configuration is correct,” as asserted in the Office Action. More importantly, the “preset

parameters” in Brusky do not have anything to do with “determining that the application does not expect to receive the information through the first communication port,” as recited in amended claim 20.

Claim 20 has also been amended to recite “determining that the application expects to receive the information through a second communication port.” This amendment is supported by paragraph 57 of Applicants’ specification. Applicants respectfully submit that Brusky does not disclose this claim element.

The Office Action appears to assert that the processor 50 on the host 12 corresponds to the “second communication port” that is recited in claim 20. See Office Action, pages 3, 5-6. Applicants respectfully disagree. The processor 50 in Brusky is not a “communication port.” Brusky uses the term “processor” in accordance with its ordinary meaning, i.e., as “a CPU ... that is utilized for control of the various tasks required of personal computer.” Brusky, col. 3, lines 35-36. One of ordinary skill in the art would not interpret the term “processor” to mean a “communication port.”

To support its interpretation of the term “communication port,” the Office Action refers to a definition in Applicants’ specification. See Office Action, page 6. However, Applicants respectfully point out that the cited portion of Applicants’ specification refers to a “communication interface,” not a “communication port.” The term “communication interface” does not appear in claim 20. Rather, claim 20 recites the term “communication port.” The term “communication port” is narrower than the term “communication interface.” This is clear from the cited portion of Applicants’ specification, which states that a “communication interface ... may include a communication port.” Applicants’ specification, paragraph 36 (emphasis added).

The context of claim 20 further supports Applicants’ argument that a “communication port” cannot properly be interpreted to mean a “processor.” As indicated, claim 20 recites “determining that the application expects to receive the information through a second communication port.” It simply does not make sense to say that an “application expects to receive the information through a [processor].” The Office Action is asserting a definition of the term “communication port” that is clearly contrary to its plain meaning.

The Office Action refers to a portion of Brusky which states that the processor 50 on the host 12 “performs any required data manipulation such as that required by the preset parameters.”

Brusky, col. 5, lines 3-5. However, Brusky does not provide any indication that this “data manipulation” has anything to do with the “communication port” through which “the application expects to receive the information” that is “identif[ied] in the object identifier data,” as recited in claim 20. Instead, the “data manipulation” in Brusky relates to the format of scanned data as it is passed to an application. For example, Brusky states that “if the application, such as application 56, is a text based application, then images scanned by scanner 44 must be converted into a text file.” This is done so that “the scanned information is passed to the target application in the best form for use in that application.” Brusky, col. 5, lines 11-20.

The Office Action asserts that “the format is an important part of the data ... and hence the format being determined via the communication ports as taught by Brusky is relevant.” Office Action, page 6. While Applicants do not dispute that “the format is an important part of the data,” the claim elements at issue do not relate to the format of the data. Rather, the claim elements at issue relate to the “communication port” through which “the application expects to receive the information” that is “identif[ied] in the object identifier data.”

The method described in Brusky does not involve determining that any of the applications 54, 56, 58 “expect[] to receive” scanned data “through a second communication port,” i.e., a communication port that is different than the parallel port 42 of the host 12. (The parallel port 42 cannot be the “second communication port” that is recited in claim 20 because the Office Action asserts that the parallel port 42 is the “first communication port” that is recited in claim 20.) Accordingly, Brusky does not disclose “determining that the application expects to receive the information through a second communication port,” as recited in amended claim 20.

Brusky also does not disclose “sending the information to the application on the computing device through the second communication port,” as recited in claim 20. In particular, the method of Brusky does not involve sending the scanned data to any of the applications 54, 56, 58 through a communication port on the host 12 other than the parallel port 42.

In view of the foregoing, Applicants respectfully submit that claim 20 is patentably distinct from Brusky. Accordingly, Applicant respectfully requests that the rejection of claim 20 be withdrawn.

Regarding claim 41, Brusky does not disclose a “software module” that is “configured to ... determine that the application does not expect to receive the information through the first communication port.” Brusky also does not disclose a “software module” that is “configured to ... determine that the application expects to receive the information through the second communication port.” Brusky also does not disclose a “software module” that is “configured to ... send the information to the application on the computing device through the second communication port.” Similar claim elements were discussed above in connection with claim 20. Accordingly, Applicants respectfully request that the rejection of claim 41 be withdrawn for at least the same reasons as those presented above in connection with claim 20.

Regarding claim 62, Brusky does not disclose “executable instructions for ... determining that the application does not expect to receive the information through the first communication port.” Brusky also does not disclose “executable instructions for ... determining that the application expects to receive the information through a second communication port.” Brusky also does not disclose “executable instructions for ... sending the information to the application on the computing device through the second communication port.” Similar claim elements were discussed above in connection with claim 20. Accordingly, Applicants respectfully request that the rejection of claim 62 be withdrawn for at least the same reasons as those presented above in connection with claim 20.

#### B. New Claims 64-66

New claims 64-66 have been added. New claim 64 depends from claim 20. New claim 65 depends from claim 41. New claim 66 depends from claim 62. New claims 64-66 each recite that “determining that the application does not expect to receive the information through the first communication port and determining that the application expects to receive the information through the second communication port comprise searching an application registry.” In addition, new claims 64-66 each recite that “the application registry comprises the association between the application and the second communication port.” New claims 64-66 are supported by paragraphs 57 and 94-99 of Applicants’ specification, as well as Figure 4 of Applicants’ drawings.

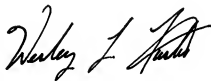
As discussed above, Brusky does not disclose “determining that the application does not expect to receive the information through the first communication port.” Brusky also does not

disclose “determining that the application expects to receive the information through the second communication port.” Brusky certainly does not disclose that these steps “comprise searching an application registry,” as recited in new claims 64-66.

C. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', with a stylized flourish at the end.

/Wesley L. Austin/

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Date: February 1, 2007

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